



July 27, 2021

VIA ECF

The Honorable Tonianne J. Bongiovanni
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: *UMG Records, Inc., et al. vs. RCN Telecom Services, LLC, et al.*
Civil Action No. 19-17272-MAS-TJB

Dear Judge Bongiovanni:

This firm represents Defendants in the above-referenced matter. We write jointly on behalf of Defendants, Plaintiffs, and Counterclaim-Defendants Rightscorp, Inc. and Recording Industry Association of America (“RIAA”) to request a 45-day extension of: (1) the deadline for the submission of written discovery disputes (from July 28, 2021 to September 13, 2021)¹ and (2) the deadline for the close of fact discovery (from October 28, 2021 to December 13, 2021). *See* ECF No. 157.

The principal cause for these extensions is that Brad Newberg, counsel for Counterclaim-Defendant Rightscorp, Inc., intends to file a motion to withdraw from the case this week because he is leaving private practice, and Rightscorp requires additional time to identify and secure replacement counsel. Defendants did not learn of this issue until late last week, when counsel for the parties held a meet and confer concerning Rightscorp’s document production. It appears that Rightscorp may not be in a position to respond substantively to the issues raised in the meet and confer until Rightscorp’s new counsel becomes educated on the case.

Additionally, there are a number of outstanding items concerning discovery, including issues related to privilege logs, supplementing written discovery responses, and completing productions of responsive documents and data. The parties are actively meeting and conferring regarding these issues, but some or all may require further

¹ The parties recognize that additional disputes regarding written discovery may come to light later, for example where a deficiency in a party’s document production is revealed in deposition.

conferences and the Court's intervention if the parties are unable to resolve them informally.

Good cause exists for the requested extensions. The parties agree that these extensions are necessary and appropriate. No depositions have been scheduled or taken in this matter, and the Court has yet to set any deadlines beyond the current October 28, 2021 deadline for the close of fact discovery.

For these reasons, the parties respectfully request that the above deadlines be extended as follows for good cause shown: (1) the deadline for the submission of written discovery disputes be extended from July 28, 2021 to September 13, 2021; and (2) the deadline for the completion of all fact discovery be extended from October 28, 2021 to December 13, 2021.

We have included a "So Ordered" provision at the end of this letter in the hope that this extension is acceptable to the Court.

Respectfully Submitted,

/s/ Edward F. Behm, Jr.

Edward F. Behm, Jr.

EFB:gc

CC: All counsel of record via ECF

The above Application is SO ORDERED this ____ day of July, 2021.

The Honorable Tonianne J. Bongiovanni